

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**SIGMAPHARM, INC.,  
Plaintiff,**

**v.**

**MUTUAL PHARMACEUTICAL  
COMPANY, INC., *et al.*,  
Defendants.**

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**CIVIL NO. 10-430**

**ORDER**

**AND NOW**, this 2<sup>nd</sup> day of March 2011, upon consideration of a Motion to Dismiss Counts I through III by Defendant King Pharmaceuticals, Inc. [doc. no. 40] and a Motion to Dismiss all Counts by Defendants Mutual Pharmaceuticals Company, Inc. and United Research Laboratories, Inc.[doc. no. 41 ]; Plaintiff's Responses in Opposition thereto [doc. nos. 42 & 43]; and Defendants Replies in Support [doc. nos. 49 & 51]; and for the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that:

1. Count I is **DISMISSED without prejudice** for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure; and

2. The remaining claims, Counts II, III and IV, are **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1367(c)(3).

3. Defendants' Motion to Stay Discovery [doc. no. 44] and Plaintiff's Motion to Compel Discovery [doc. no. 57] are **DISMISSED as moot**.

It is so **ORDERED**.

**BY THE COURT:**

/s/ Cynthia M. Rufe  
**CYNTHIA M. RUFE, J.**